

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
STATESVILLE DIVISION  
DOCKET NO. 5:09CR27-RLV-DCK**

**UNITED STATES OF AMERICA** )  
 )  
 **v.** )  
 )  
 **BERNARD VON NOTHAUS,** )  
 )  
 **Defendant.** )  
 \_\_\_\_\_ )

**ORDER**

**THIS MATTER** is before the Court on defense counsel Aaron Michel's "Motion to Withdraw as Counsel" (document #224) filed July 16, 2011. The Court conducted a hearing on this matter on July 18, 2011. During the hearing, co-counsel Randolph Lee also made an oral Motion to withdraw.

Defendant was charged with counterfeiting and conspiracy in a three count indictment. Defendant was convicted by a jury of all counts on March 18, 2011. Post conviction Motions, forfeiture proceedings and sentencing of Defendant are pending at this time.

At the hearing, co-counsel Lee requested that the Court conduct a portion of the hearing ex parte . The Court excluded the Government and third parties from the courtroom and continued the hearing with only Defendant, Michel, Lee and Defendant's wife present. Michel represented to the Court that while he believes he can provide effective representation going forward, Defendant has indicated that he is dissatisfied with his services and refuses to allow him to participate in the pre-sentence report. Lee cited similar concerns in making his oral Motion.

The Court warned Defendant that his case was a complex one and that it would not be easy to find counsel willing to step into the case at this late juncture. In response to the Court's inquiry, Defendant stated that his relationship with Michel had been difficult from the outset and that there

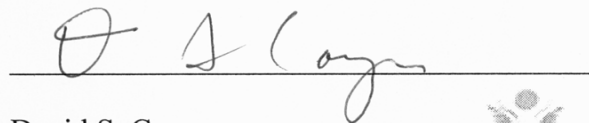
are present conflicts that he believes cannot be overcome. He stated that communications between him and Michel are very strained, and that, at times, Michel has refused to speak to him. With regard to Lee, Defendant stated that he had not had any contact with him since the trial and believes that his interests can better be served by obtaining new counsel on his own. Defendant stated confidently that he will be able to hire an attorney to represent him going forward or engage one who will work on a pro bono basis and requested that the Court allow him leave to secure counsel.

Based on the above facts, the Court finds that there is sufficient basis for allowing both defense counsel to withdraw. The attorney-client relationship has deteriorated to the point that counsel cannot effectively represent Defendant. Therefore, counsel's Motions to Withdraw are **GRANTED**. The Court will allow Defendant until August 29, 2011 to have an attorney make a general appearance on his behalf. A hearing is set for August 29, 2011 at which time the Court will resume its inquiry into Defendant's status of counsel if no attorney has made a general appearance prior to the hearing date.

The Clerk is directed to send copies of this Order to counsel for the parties; and to the Honorable Richard L. Voorhees.

**SO ORDERED.**

Signed: July 18, 2011

A handwritten signature in black ink, appearing to read "D. S. Cayer", is written over a horizontal line.

David S. Cayer  
United States Magistrate Judge

